

I hereby certify on that the foregoing document is true and correct copy of the

☐ electronic docket in the captioned case

☒ electronically filed original filed on 2/6/15

☐ original filed in my office on \_\_\_\_\_

Robert M. Farrell  
Clerk, U.S. District Court  
District of Massachusetts

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE

2012 OCT 24 P 2:46

By: Y. Franklin  
Deputy Clerk

UNITED STATES OF AMERICA :

v. :

ERIC ZENG :

COUNTS ONE-TWO

16 U.S.C. §

3372(a)(2)(A) -

Lacey Act

FORFEITURE ALLEGATIONS

16 U.S.C. § 3374 &

28 U.S.C. § 2461(c)

INFORMATION

The United States Attorney charges:

I. General Allegations

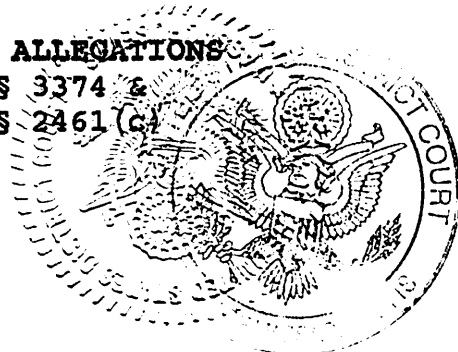
A. Federal Wildlife Protection Law

1. The federal wildlife protection statute, known as the Lacey Act, is found at 16 U.S.C. §3371 et seq. Section 3372(a)(2)(A) of Title 16 provides:

It is unlawful for any person ... (2) to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce - (A) any fish or wildlife taken, possessed, transported, or sold in violation of any law or regulation of any State or in violation of any foreign law.....

2. Additionally, 16 U.S.C. § 3374(a)(2) provides that:

All vessels, vehicles, aircraft, and other equipment, used to aid in the...transporting, selling, receiving, acquiring, or purchasing of fish or wildlife . . . in a criminal violation of this chapter for which a felony conviction is obtained shall be subject to forfeiture to the United States if (A) the owner of such . . . vehicle . . . was at the time of the alleged illegal act a consenting party or privy thereto or in the exercise in due care should have known that such . . .





vehicle . . . would be used in a criminal violation of this chapter, and (B) the violation involved the sale or purchase of, the offer of sale or purchase of, or the intent to sell or purchase fish or wildlife . . .

*B. Massachusetts State Law*

3. In the Commonwealth of Massachusetts, it is illegal to buy, sell, barter, exchange, offer or expose for sale or possess for the purpose of sale or in any way deal or trade any bear part or parts or white-tail deer.

M.G.L. Ch. 131, § 22 provides:

A person, except as provided in sections twenty-three to twenty-eight, inclusive, shall not buy, sell, barter, exchange, offer or expose for sale or have in his possession for the purpose of sale, or in any way deal in or trade with respect to . . . the bodies of dead or living birds or mammals, or parts thereof, except those named in section five . . . .

4. At all times relevant to this Information, defendant ERIC ZENG was a resident of Maine.

**COUNTS ONE AND TWO**  
**Interstate Sale and Transport of Wildlife**  
**Taken in Violation of State Law**  
**16 U.S.C. §3372(a)(2)(A)**

On or about the dates listed below, within the District of Massachusetts and elsewhere, ERIC ZENG, defendant herein, did knowingly engage in conduct involving the sale and purchase, the offer to sale and purchase, and the intent to sell and purchase, wildlife having a market value in excess of \$350, to wit: black bear gallbladders; black bear paws; and white-tail deer meat by knowingly transporting, receiving, acquiring and purchasing said wildlife in interstate commerce, knowing said wildlife had been taken, possessed and transported in violation Massachusetts state law, specifically M.G.L. C. 131, Section 22, which prohibits the sale of fish and game.

COUNT	DATE	ITEMS	PRICE PAID	LOCATION
ONE	12/07/2008	13 bear gall bladders; 16 bear paws; 2 front quarters and one hind quarter white-tail deer	\$1,180	Massachusetts, Maine and Connecticut
TWO	02/09/2009	24 bear gall bladders; 20 black bear paws	\$1,800	Maine, Massachusetts and Connecticut

All in violation of Title 16, United States Code, Section 3372(a)(2)(A) and 3373(d)(1)(B) and Title 18, United States Code, Section 2.

**FORFEITURE ALLEGATIONS**  
**(16 U.S.C. § 3374 & 28 U.S.C. § 2461(c))**

The United States Attorney further charges:

1. Upon conviction of one or more of the offenses charged in Counts One and Two of this Information, the defendant,

**ERIC ZENG,**

shall forfeit to the United States, pursuant to 16 U.S.C. § 3374 and 28 U.S.C. § 2461(c), (a) all wildlife imported, exported, transported, sold, received, acquired, or purchased contrary to the provisions of 18 U.S.C. § 3372 (other than section 3372(b) of this title); (b) all vessels, vehicles, aircraft, and other equipment used to aid in the importing, exporting, transporting, selling, receiving, acquiring, or purchasing of wildlife in such violations if (i) the owner of such vessel, vehicle, aircraft, or equipment was at the time of the alleged illegal act a consenting party or privy thereto or in the exercise of due care should have known that such vessel, vehicle, aircraft, or equipment would be used in a criminal violation of this chapter, and (ii) the violation involved the sale or purchase of, the offer of sale or purchase of, or the intent to sell or purchase, wildlife. The property to be forfeited by the defendant includes, but is not limited to, the following:

- a. one white 2008 Cadillac Escalade sport utility vehicle, with Maine registration number EZ328, bearing vehicle identification number 1GYFK63868R236033.
2. If any of the property described in paragraph 1 hereof as being forfeitable pursuant to 16 U.S.C. § 3374 and 28 U.S.C.

§ 2461(c), as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred to, sold to, or deposited with a third party;
- c. has been placed beyond the jurisdiction of this Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to 28 U.S.C. § 2461(c), incorporating 21 U.S.C. § 853(p), to seek forfeiture of all other property of the defendant up to the value of the property described in paragraph 1 above.

All pursuant to Title 16, United States Code, Section 3374 and Title 28, United States Code, Section 2461(c).

Respectfully submitted,

Carmen M. Ortiz  
United States Attorney

By:

  
Assistant U.S. Attorney

**Criminal Case Cover Sheet**

**U.S. District Court - District of Massachusetts**

Place of Offense: \_\_\_\_\_ Category No. 1 Investigating Agency USFWS  
City Natick Related Case Information: \_\_\_\_\_  
County Middlesex Superseding Ind./ Case No. \_\_\_\_\_  
Same Defendant \_\_\_\_\_ New Defendant \_\_\_\_\_  
Magistrate Judge Case Number \_\_\_\_\_  
Search Warrant Case Number \_\_\_\_\_  
R 20/R 40 from District of \_\_\_\_\_

**Defendant Information:**

Defendant Name Eric Zeng Juvenile: ☐ Yes ☒ No  
Is this person an attorney and/or a member of any state/federal bar: ☐ Yes ☒ No

Alias Name \_\_\_\_\_

Address (City & State) Presque Isle, Maine

Birth date (Yr only): 1964 SSN (last4#): 9308 Sex M Race: A Nationality: USA

Defense Counsel if known: Jack Cunha Address Cunha & Holcomb

Bar Number \_\_\_\_\_ 1 State Street

Boston, MA 02109

**U.S. Attorney Information:**

AUSA Nadine Pellegrini Bar Number if applicable 545606

Interpreter: ☐ Yes ☒ No List language and/or dialect: \_\_\_\_\_

Victims: ☐ Yes ☒ No If yes, are there multiple crime victims under 18 USC§3771(d)(2) ☐ Yes ☐ No

Matter to be SEALED: ☐ Yes ☒ No

☐ Warrant Requested ☒ Regular Process ☐ In Custody

**Location Status:**

Arrest Date \_\_\_\_\_

☐ Already in Federal Custody as of \_\_\_\_\_ in \_\_\_\_\_

☐ Already in State Custody at \_\_\_\_\_ ☐ Serving Sentence ☐ Awaiting Trial

☐ On Pretrial Release: Ordered by: \_\_\_\_\_ on \_\_\_\_\_

Charging Document: ☐ Complaint ☒ Information ☐ Indictment

Total # of Counts: ☐ Petty ☐ Misdemeanor ☒ Felony

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: 10/24/12

Signature of AUSA: Nadine Pellegrini



JS 45 (5/97) (Revised U.S.D.C. MA 12/7/05) Page 2 of 2 or Reverse

**District Court Case Number** (To be filled in by deputy clerk): \_\_\_\_\_

**Name of Defendant** \_\_\_\_\_

**U.S.C. Citations**

	<u><b>Index Key/Code</b></u>	<u><b>Description of Offense Charged</b></u>	<u><b>Count Numbers</b></u>
Set 1	_____	_____	_____
Set 2	_____	_____	_____
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

**ADDITIONAL INFORMATION:** \_\_\_\_\_